

# PATENT COOPERATION TREATY

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To:

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23 GIU. 2004

Date of mailing (day/month/year)	21.06.2004
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Applicant's or agent's file reference Cal 86554	<b>IMPORTANT NOTIFICATION</b>		
International application No. PCT/EP 03/07752	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">International filing date (day/month/year) 16.07.2003</td> <td style="width: 50%;">Priority date (day/month/year) 19.07.2002</td> </tr> </table>	International filing date (day/month/year) 16.07.2003	Priority date (day/month/year) 19.07.2002
International filing date (day/month/year) 16.07.2003	Priority date (day/month/year) 19.07.2002		
Applicant BERCO S.p.A. et al.			

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cal 86554	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/07752	International filing date ( <i>day/month/year</i> ) 16.07.2003	Priority date ( <i>day/month/year</i> ) 19.07.2002
International Patent Classification (IPC) or both national classification and IPC B62D55/30		
Applicant BERCO S.p.A. et al.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of 5 sheets.																								
3.	This report contains indications relating to the following items:  <table style="width: 100%; border: none;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%;"><input checked="" type="checkbox"/></td> <td>Basis of the opinion</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/>	Basis of the opinion	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
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VIII	<input type="checkbox"/>	Certain observations on the international application																							

Date of submission of the demand  12.02.2004	Date of completion of this report  21.06.2004
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office              D-80298 Munich              Tel. +49 89 2399 - 0 Tx: 523656 epmu d              Fax: +49 89 2399 - 4465           </div> </div>	Authorized Officer  Spinelli, V  Telephone No. +49 89 2399-2903



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/07752**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-4, 6-24 as originally filed  
5, 5a received on 27.05.2004 with letter of 26.05.2004

**Claims, Numbers**

1-11 received on 27.05.2004 with letter of 26.05.2004

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/07752**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

**see separate sheet**

Part V.

- 1.1 A track-tightening device for crawlers, according to the preamble of claim 1, is disclosed in document D1=US-A-3 826 325 wherein (see fig.1-5 and column 2, lines 44-67 and column 5, lines 26-36) said device 14 comprises an undercarriage consisting of a structure 16,18 including elements 22, 26, 28, 38, 42, 44, 72, 74 for carrying the lower supporting rollers 76, 78, 84, 86, the idler back-pull wheels 46, 30 and a crawler wheel 56, said track-tightening device carried by an associated structure to retract together by means of a recoil system, wherein end 16 be separated and movable towards and away from end 18.  
Document D1 additionally describes said associated movable structure 16, 18 as carrying at least one movable supporting roller 32, 36, 48, 52, capable of following the longitudinal movement of the idler wheel 30, 46, and always remaining at the same distance therefrom under any operating condition and with any range of the track-tightening device.
- 1.2 The further features of claim 1 are not part of the available state of the art, as requiring that said at least first movable supporting roller be integral with the idler wheel so that reciprocal distance does not vary during the operating life of the vehicle: such a performance fulfills the stated object of the application, i.e. of maintaining and regulating the tension established in the track while the machine is running so as to absorb the tension due to the intrusion of a foreign body. The integrality of the first movable supporting roller with the idler wheel allows the idler wheel finding the immediate support of the supporting roller with the track having a minimum length of non-supported section, further not creating a significant concavity under conditions of major stress.
- 1.3 The finding claimed by principal clause 1 is new and also inventive with respect to prior art, solving the problem of a tension overload on the track and a parallel increase in stress on all the other associated mechanical units (Art.33(1-4) PCT).
2. The combination of the features of dependent claims 2 to 11 is neither known from, nor rendered obvious by, the available prior art and represent optional embodiments of the track-tightening device claimed by principal clause 1; as such corresponding claims 2 to 11 also meet the requirements of the PCT with respect to a novelty and inventive step, are in accordance with Art.33(1-4) PCT conditions.